

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY**

**MINUTES OF A PUBLIC HEARING**

DATE.....December 18, 2002  
 TIME.....7:00 P.M.  
 PLACE.....County Office Building  
 20 N. 3<sup>RD</sup> Street  
 Lafayette, IN 47901

<b>MEMBERS PRESENT</b>	<b>MEMBERS ABSENT</b>	<b>STAFF PRESENT</b>
Jack Rhoda	Mike Harris	James Hawley
Jan Mills		Sallie Fahey
KD Benson		John Burns
Karl Rutherford		Joanna Grama, Atty
Steve Schreckengast		Michelle D'Andrea
David Williams		
Kathy Vernon		
John Knochel		
Jeff Kessler		
Mark Hermodson		
Laura Peterson		
James Miller		
Miriam Osborn		
Stuart Boehning		

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 18<sup>th</sup> day of December 2002, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Jack Rhoda called the meeting to order.

**I. BRIEFING SESSION**

James Hawley informed the Commission of the need for continuance to January 15, 2002 **UZO AMENDMENT #33**, because it was not published in the newspaper on time, **Z-2102—KINGSWOOD DEVELOPMENT, LLC (A TO RE) (Kingswood East Subdivision)**, because more information is needed to prepare a recommendation; and **S-3261—FAITH BAPTIST SUBDIVISION (MAJOR-PRELIMINARY)** because of an error in the legal description. He stated that the petitioner requested continuance on **S-3257—TERRY MINOR SUBDIVISION (MINOR-SKETCH)** to the January 2, 2002 Executive Committee. He informed the Commission that **Z-2098—MARK & LISA BECKER (R2 TO GB)** has been amended to **NB** and **S-3240—EAGLES NEST FARMS, PHASE 1, SECTIONS 1, 2, 3, 4, AND 5 (MAJOR-PRELIMINARY)** is 202 lots not 201.

**II. APPROVAL OF MINUTES**

KD Benson moved to approve the minutes of the November 20, 2002 public hearing. Jan Mills seconded and the motion carried by voice vote.

### **III. NEW BUSINESS**

- A. KD Benson moved to approve the amendments to the by-laws. Jan Mills seconded the motion.

James Hawley read staff report recommending that the Commission's Secretary be the Executive Director of the Commission and the Assistant Director of the Commission be the Secretary Pro Tempore.

Steve Schreckengast asked if the intention was to vote and approve this amendment tonight.

James Hawley stated yes.

Steve Schreckengast stated that he was unaware of the proposal to change the fee structure, and asked if any advertising was done to notify the public.

James Hawley stated that at the moment they were only voting on the amendment to the By-laws regarding the change in Secretary.

The motion to amend the Area Plan Commission By-laws regarding the Commission's Secretary was carried by voice vote.

Jeff Kessler moved to put the amendments to the by-laws back on the floor. Kathy Vernon seconded the motion.

James Hawley read the staff report recommending increases in the filing fee structure, including a cost comparison with other counties. He stressed that not increasing costs would result in eliminating staff positions and deferred to Kathy Vernon and Jeff Kessler for confirmation.

Jeff Kessler and Kathy Vernon responded that was correct.

James Hawley stated that while compiling the cost comparison report, he discovered that the Indiana Association of County Commissioners was currently conducting a statewide survey to gain an idea of the same issues, since this is the only way county governments can increase income. He stressed that the Area Plan fees have not been raised since approximately 1980.

Jack Rhoda recapped that the Secretary amendment has already passed by motion and voice vote and the following discussion will be solely on the proposed filing fee structure.

Steve Schreckengast asked what the process is, if this amendment is voted on tonight and if there would be any further hearings on it.

James Hawley replied no, it would be appended to the Bylaws and would only affect the PD and rezone sections immediately. He explained that the BZA would have to separately adopt those portions applicable to them and an amendment to the subdivision ordinance has been prepared that would remove a section dealing with filing fees.

Steve Schreckengast asked for clarification that as a result of a positive vote, only some of this proposal would go into effect.

James Hawley replied that the portions related to rezones and PD would go into effect immediately. He explained that the portions related to subdivisions and parcelizations would not go into effect until the ordinances were adopted by the respective jurisdictions. He commented that these ordinances would be removing the fees, because they did not belong in the ordinances, but should only be a part of the Bylaws. He stated that the variance, special exception and appeals section would not become effective until the ABZA adopts its own Bylaw amendment.

Steve Schreckengast stated that because he was not on the Budget Committee, he was not aware that this proposal was even in the works. He said that he was concerned that people affected by this had not had an opportunity to look at it. He asked if the practitioners or potential fee payers had been notified.

James Hawley replied that there is no notification necessary for an amendment to the Area Plan Commission Bylaws.

Steve Schreckengast stated that there was clearly some need for adjustments in the fee structure, and suggested continuing the vote one month and circulating the proposal to see if there is any public input.

James Hawley reminded the Commission that the County Council members are insistent that fees be changed to accommodate a closer ratio of income to outgo with the penalty being the loss of at least two staff members.

Steve Schreckengast asked if the vote were continued one month, two staff members would be laid off.

James Hawley stated that the Commission must consider that ultimately it is their responsibility to set those fees in a responsible manner that returns financial amounts to the general funds of the county in order for the Area Plan office to continue to function.

Jeff Kessler commented that James Hawley was correct. He said that there are 50 departments in the County and the general fund budget is 1 million dollars less than last year. He stated that all departments have been asked to look at and adjust their fee structure. He mentioned that it was recommended to the departments not to overcharge, but to look at fees that had not been changed since the agreed upon dated of 1980. He commented that nothing is the same price today that it was in 1980. He said that Steve Schreckengast made an excellent point. He recommended that the Commission look at the proposal and bring it forward next month to allow discussion from the general

public. He stated that ultimately this fee structure would have to be passed. He said that the department has to be closer to those who use the services, pay for the services. He explained if we don't then the general public is paying for the services of developers and what they are using.

Steve Schreckengast said that he thinks there may be some adjustments needed, but would like to see the affected persons notified.

Mark Hermodson asked the County Council members that were present, if the proposal that James Hawley presented was in line with what the Council is thinking. He asked if they would be satisfied with this proposal.

Jeff Kessler responded yes. He mentioned that James Hawley has been one of the few individuals that has taken the initiative to conduct comparisons with other counties, calculate the actual cost of man-hours involved in these services and take an honest look at his budget. He commented that James Hawley has completed his homework and done a great job. He said that the County Council would agree with the direction he has taken.

Mark Hermodson asked for confirmation that the County Council would agree with recovering 50% of the costs.

Jeff Kessler and Kathy Vernon responded that was correct.

Jan Mills stated that she would like to see this voted on tonight. She mentioned the proposed rates still fall below the other cities and counties that are listed in the report. She commented on the structure of other cities like Bloomington, Noblesville, Carmel and Fishers and reiterated that our fees were way down on the list. She said that these proposed fees were not exorbitant and only cover 40-50 % of the actual cost. She mentioned that with the continued budgetary crisis in the State, this proposal was not out of line at all.

Karl Rutherford agreed with Jan Mills that the proposal was not out of line but the timing was. He stated that the public needs to know and is worth the 30-day wait. James Miller mentioned that the proposed fees for special exceptions, variances and even the appeals would be an economic detriment to a small business. He suggested factoring in the size of the project to determine the fee.

Jan Mills asked if the larger rezones which contain multiple lots and/or multiple acres take up a proportionately larger amount of staff's time.

James Hawley replied not on regular rezones, but possible on PD rezones. He mentioned that PD rezones have a lot more upfront cost in terms of review. He said that the standard rezone takes about the same amount of time regardless of size. He mentioned that other areas do adjust their rezone rate based on type such as commercial, industrial, et cetera. He said that he thought it best to keep it simple. He stated that it was not the intention that the petitioners pay 100% of the cost to process.

Sallie Fahey explained that rezone cases for large developments with multiple zoning districts, have to be filed as separate requests in any case.

Miriam Osborn stated her concern that 30 days would not make that much difference and not many more people would hear about it. She said that she agreed with Jan Mills that it should be voted on tonight.

Steve Schreckengast reiterated that an additional month was needed to get the word out and review the proposal. He hypothetically asked how many Commissioners really had the chance to thoroughly review the proposal before the meeting. He said that clearly 30 days will not matter that much.

Steve Schreckengast moved to table the amendment to the by-laws to the January 15, 2003 Area Plan Commission meeting. KD Benson seconded and the motion carried by show of hands 10 yes to 4 no.

- B. Jeff Kessler moved to hear and approve **RESOLUTION T-02-8 – 2003 SELF CERTIFICATION**. Kathy Vernon seconded the motion

Sallie Fahey read staff report with recommendation of approval.

Jack Rhoda asked who the petitioner would be.

James Hawley replied that the APC would be.

The Commission voted by ballot 14 yes – 0 no to approve **RESOLUTION T-02-8-2003 SELF CERTIFICATION**.

- C. **STONEHENGE SUBDIVISION (MAJOR-PRELIMINARY PLAT):** The developer, Stonehenge Development Corp., is requesting a *second* 2-year extension of the conditional primary approval, originally granted March 20, 1996 (S-2378). Unless extended the previous extension will expire on March 20, 2003. Sixty-two of the 145 lots have been recorded. The site is located at the southeast corner of CR 450 N and CR 375 W, in Wabash 34 (S½) 24-5.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey read staff report with recommendation of conditional primary approval subject to the original conditions.

Pat Cunningham, Vester and Associates, 309 Columbia Street, Lafayette, IN, representing the petitioner, informed the Commission that he was also one of the developers on this project. He said that the main reason why construction on Stonehenge was not started right after it was platted in 1996 was because of the PD next door and issues with sanitary sewer. He stated that today there is a thriving

community in this area and they are ready to move forward. He asked for approval of the extension.

The Commission voted by ballot 14 yes – 0 no to approve **PRIMARY APPROVAL EXTENSION REQUEST: STONEHENGE SUBDIVISION (MAJOR-PRELIMINARY PLAT).**

#### IV. PUBLIC HEARING

Jeff Kessler moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance of Tippecanoe County, Indiana, are hereby entered by reference into the public record of each agenda item. Kathy Vernon seconded and the motion carried by voice vote.

Jack Rhoda read the meeting procedures.

##### A. REZONING ACTIVITIES

Jeff Kessler moved to continue **UZO AMENDMENT #33** to the January 15, 2003 Area Plan Commission meeting. Kathy Vernon seconded and the motion was carried by voice vote.

Jeff Kessler moved to continue **Z-2102—KINGSWOOD DEVELOPMENT, LLC (A TO RE) (Kingswood East Subdivision)**; to the January 15, 2003 Area Plan Commission meeting. Kathy Vernon seconded and the motion carried by voice vote.

Jeff Kessler moved to continue **S-3257—TERRY MINOR SUBDIVISION (MINOR-SKETCH)** to the January 2, 2003 Executive Committee meeting and **S-3261—FAITH BAPTIST SUBDIVISION (MAJOR-PRELIMINARY)** to the January 15, 2003 Area Plan Commission meeting. Kathy Vernon seconded and the motion carried by voice vote.

1. **Z-2081—MIDA DEVELOPMENT GROUP, LLC (R1 TO R3):**  
 Petitioner is requesting the rezoning of 20.3894 acres located on the north side of Lindberg Road just east of McCormick, Wabash 12 (SW) 23-5.  
*CONTINUED FROM THE OCTOBER MEETING. (SECOND CONTINUANCE.)*

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey read staff comments, with recommendation for denial.

Sallie Fahey read into the record a letter from C. Scott Snyder, Engineer for the City of West Lafayette, in opposition to the request. The concerns listed in his letter were the high density use, adequacy of fire department service and waiting for the Wabash Township Land Use plan to become available. He suggested developing the land as R1,

residential, with the condition that access from public streets for vehicular traffic and fire service be addressed and confirmed as adequate.

Sallie Fahey read into the record a letter from Patricia Mason, Wabash Township Trustee, 1323 North 350 West, West Lafayette, IN, in opposition to the request. The concerns listed in her letter were increased traffic reducing the quality of life for Blackbird Farms, Sherwood Forest and WakeRobin residents, and too high of a residential density.

James Hawley presented slides of the zoning map, aerial photo and reiterated recommendation of denial.

Joseph T. Bumbleburg, PO Box 1535, Lafayette, IN, representing the petitioner, stated that the petitioner was present and available to answer questions. He said that the real question was if this property was ideal for an R1 use. He pointed out that the power lines and road indicated that it this is not a good R1 environment. He stated that the request for R3 is very appropriate and to classify this as a rural zone is clearly wrong. He mentioned that when the three lane arterial, Lindberg Road and the new 231 are complete, this area will be a highway environment ideal for multi-family dwellings. He said that water and sewer are available. He informed the Commission that Purdue University announced that they were cutting down on residential units. He mentioned that West Lafayette has just obtained a historic classification for the New Chauncy area. He pointed out that these two factors are limiting living quarters and the students and staff of Purdue must have housing somewhere. He said that the opinion that a dwelling of this nature belongs in a district similar to the Levee, is misconstrued because the MIDA development will have several recreational facilities available. He stated that the letter from the Wabash Township Trustee, which criticized County government, was unfair and uncalled for. He said that the problem, with the area in question stems from Purdue's stance that it has no duty to house its students. He reiterated that the students and staff must have a place to live and just because there is no plan to fix the problem, that is no reason to criticize each other. He pointed out that the economic environment is causing government to raise fees, and the same time they are fighting developments that will return revenue. He said that this was a good project and asked for approval.

James Williams, 2241 Sandpiper Court, West Lafayette, IN, stated he was president of Blackbird Farms Homeowners Association. He said that even if Lindberg Road was open, there is only one exit/entrance from the existing development; the new development would have to share that one. He mentioned that studies by the Federal government and the City of West Lafayette Engineer's office have both determined the statistic of 10 vehicle trips a day per unit. He pointed out that this new development would have 700 apartments, generating 7,000 vehicle trips a day through the one exit/entrance on Lindberg Road, which is directly across from Blackbird Farms. He said that this is a huge impact on the quality of life for the Blackbird Farms resident who faces this intersection. He said that the incessant traffic, noise and lights have also adversely affected the property values of this home. He pointed out that because of the placement of the parking lots, most of this traffic will use McCormick Road which is already overloaded. He said that even when Lindberg re-opens, McCormick Road

would not be able to handle that high volume of traffic. He stated that the Lindberg Road traffic is mostly used to visit drinking establishments. He said that in the past this has caused driving through resident's yards, common areas, vacant lots and sidewalks. He mentioned that one of the purposes of relocating 231 is to direct traffic away from Northwestern Ave, and this request would counteract that.

Betty Nelson, 102 Hideaway Lane, West Lafayette, IN, stated that she does not currently live in the area, but was instrumental in the development of University Place, and plans to retire there someday. She said that she supported the Area Plan staff report, commended them for supporting the Vision 2020 report on balanced housing. She pointed out that all of the arguments heard tonight indicate that this is not balanced housing and will become worse. She said that those speaking in opposition, including herself, are not against growth or economic development but want smart growth due to the longevity of having to live along side of it. She stated that allowing another 350 units in this immediate area is not smart growth.

Mark Hermodson pointed out that housing for the University is not a strong case at this time because the vacancy rate is extremely high.

The Commission voted by ballot 3 yes – 11 no to recommend denial of **Z-2081—MIDA DEVELOPMENT GROUP, LLC (R1 TO R3)** to the Tippecanoe County Commissioners.

Yes votes

Steve Schreckengast  
Karl Rutherford  
Laura Peterson

No votes

Jack Rhoda  
Jeff Kessler  
David Williams  
Mark Hermodson  
Jan Mills  
James Miller  
Miriam Osborn  
John Knochel  
KD Benson  
Kathy Vernon  
Stuart Boehning

2. **Z-2096—HABITAT FOR HUMANITY (I2 TO R1U):**

Petitioner is requesting the rezoning of a portion of lot number 29, Rochester's South Addition, located at 1017 Queen Street, Lafayette, Fairfield 29 (SW) 23-4. CONTINUED FROM THE NOVEMBER MEETING BY INCONCLUSIVE VOTE. (SECOND CONTINUANCE.)

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey read staff comments, with recommendation for denial.

James Hawley presented slides of the zoning map and aerial photo.



Al Alexander, 420 South First Street, Lafayette, IN, stated he represented Habitat for Humanity which was a Christian Ministry who's goal is build decent affordable homes for families that normally would not be able to have them. He said that this goal often causes them to find less desirable lots. He presented five slides of the site. He pointed out that railroad statistics do not support concern of derailments or injuries from derailments. He said that the concern is not whether or not the area is ideal for residential, because the slides show that it is, but rather with the railroad track. He informed the Commission that insurance carriers are more concerned with the automobile traffic in the road than with the railroad tracks. He mentioned that they have changed the design of the home to allow for more space between the home and railroad tracks. He reiterated that this was supposed to be a home that is economical for its owners. He asked for approval.

The Commission voted by ballot 9yes – 5no to recommend approval of **Z-2096—HABITAT FOR HUMANITY (I2 TO R1U)** to the Lafayette City Council.

Yes votes

Steve Schreckengast  
Karl Rutherford  
Jan Mills  
James Miller  
Miriam Osborn  
Jeff Kessler  
David Williams  
Kathy Vernon  
Stuart Boehning

No votes

Jack Rhoda  
Mark Hermodson  
Laura Peterson  
KD Benson  
John Knochel

3. **Z-2097—CONCORD ROAD, LLC (THE VILLAS AT STONES CROSSING PLANNED DEVELOPMENT) (GB & R3 TO PDRS):** Petitioner is requesting rezoning of 12.99 acres on the south side of CR 350S between South 18<sup>th</sup> Street and Concord Road for 119 2- and 3-bedroom condominium units in 17 buildings, plus common area, in Wea 10 (SW) 22-4. CONTINUED FROM THE NOVEMBER MEETING. (FIRST CONTINUANCE.)

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey read staff comments, with recommendation for conditional primary approval subject to the following conditions:

All requirements of *UZO* 2-27-10 for submission of Final Detailed Plans, signed off by those noted in that section, to include:

1. All sheets (other than the preliminary plat) that make up the approved Preliminary Plan,
2. A final plat, per *UZO* Appendix B-3-2 as applicable, submitted either with Final Detailed Plans or separately, with:
  - approved street names,

- certification of all land out of the newly established FP zone, and a grading plan showing effected buildings observing the flood protection grade, and
  - a vacated legal drain which currently crosses the property;
- together with surety for public improvements (streets and the extension of public utilities) and improvements for common usage (all landscaping and any facilities within common areas), or a request to submit such surety prior to seeking any improvement location permits.

James Hawley presented slides of the zoning map, aerial photo and reiterated recommendation of conditional primary approval. He stated that there was a condition that needed to be added regarding no vehicular access.

Jack Rhoda asked James Hawley how the motion to amend should be worded.

Jeff Kessler moved to amend **Z-2097—CONCORD ROAD, LLC (THE VILLAS AT STONES CROSSING PLANNED DEVELOPMENT) (GB & R3 TO PDRS)** to include the following conditions:

- “No Vehicular Access” statements shall be platted along the west side of Promenade Parkway, other than at the two access drives along the 350 South right-of-way and 200 feet south of CR 350 South as shown on the Final Plan.
- The “No Vehicular Access” restriction shall be made a part of the restrictive covenants to be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Kathy Vernon seconded and the motion carried by voice vote.

Marianne Owen, PO Box 1010, Lafayette, IN, representing the petitioner, stated that the staff report did a good job showing the positive aspects of this development. She pointed out that this development follows the requirements of the Unified Zoning Ordinance, parking is in excess of requirements, landscaping is more than adequate and aesthetically complimentary to the area. She said this is similar to the South Haven development. She presented a poster board of the site plan. She asked for approval and permission to bond. She stated that the petitioners were present and available to answer questions.

Jack Rhoda asked what the procedure should be for the request to bond.

James Hawley replied that the request to bond normally comes at the time the final detailed plan and resolution is submitted. He clarified that the request is premature at this point.

KD Benson asked how many units per building were planned.

Marianne Owen replied there would be seven.

KD Benson asked how large the units would be in terms of stories.

Marianne Owen replied they would be two stories and it is detailed in the covenants that are on file.

The Commission voted by ballot 14 yes – 0 no to recommend approval of **Z-2097—CONCORD ROAD, LLC (THE VILLAS AT STONES CROSSING PLANNED DEVELOPMENT) (GB & R3 TO PDRS)** to the Tippecanoe County Commissioners.

4. **Z-2098—MARK & LISA BECKER (R2 TO NB):**

Petitioners are requesting rezoning of two lots located on the southwest corner of Underwood and 17<sup>th</sup> Streets, Lafayette, Fairfield 16 (SW) 23-4. CONTINUED FROM THE NOVEMBER MEETING. (FIRST CONTINUANCE.)

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey stated that since this request was just amended tonight, there is not a new staff report and she would try to make adjustment as she read along. She mentioned that a catering hall in an NB zone was not allowed to have live entertainment. She said that another issue that was unclear was the number of parking spaces.

Jack Rhoda asked if the number parking spaces might need to be increased or decreased.

Sallie Fahey replied that most likely they would need more parking spaces. She concluded the staff report with recommendation of denial, even with the amendment.

James Hawley presented two slides, the zoning map and aerial photo. He reiterated the recommendation of denial.

Dan Teder 414 Columbia Street, Suite 3000, Lafayette, IN, representing the petitioner, stated that petitioner was present. He stated that the reason for the amendment to NB was to avoid live entertainment, drive thru and the more intense uses in GB. He pointed out that Schuyler Ave. has a multitude of businesses nearby, as well as industrial uses. He mentioned that the area in question was residential, but did have a few NB uses as well. He presented pictures to the Commission of the area and other neighborhood businesses. He said that about 500 square feet would be used for inventory and staff with the remaining 1300 square feet used for seating of approximately 50 people. He mentioned that the loft inside of the building would be taken out. He stated that there will be ample parking and the traffic status has been discussed with the Lafayette Engineer and there is no objection. He informed the Commission that the petitioner has spoken to neighbors and attended the neighborhood meeting and there were no objections. He said that the hours of operation would be on the evenings and weekends and have only two employees. He stated that the goal was to clean up an eyesore and save and maintain a useful historic structure. He mentioned that Greater Lafayette tends to support projects such as this and gave the examples of Lafayette Country Club and Parkside Deli, which are also surrounded by residential. He reiterated that they hope to maintain a historic structure. He informed the Commission that the petitioners live and own several other properties in the neighborhood. He asked for approval.

John Zeigler 2017 North 17<sup>th</sup> Street, stated that he lived directly across the street from the property in question and was in favor of the petition because he was tired of looking at an eyesore. He said that this project was needed and would benefit the neighborhood. He asked for approval.

Steve Schreckengast asked for clarification on the location of Mr. Zeigler's home.

John Zeigler confirmed that he owned and lived directly across the street.

Laura Bartrom 1937 Maple Street, Lafayette, IN, stated that she was president of the St. Lawrence/McAllister Neighborhood Association. She stated that the petitioners have attended their meetings and discussed in length, the proposal and it was well received by the residents. She said that there were about three dozen people present and there was not one objection.

Jack Rhoda asked if the neighborhood association was aware of the possibility that this rezone may set a precedent for future requests for additional businesses.

Laura Bartrom replied that the same issue came up with Wabash Center's rezone to NB. She said that there is always a possibility of a disaster. She stated that the petitioners live and have a family history in the neighborhood. She said that everyone in the area feels comfortable that the petitioners will maintain a good neighbor relationship. She clarified that all the residents were aware of the potential for a precedent.

The Commission voted by ballot 14 yes – 0 no to recommend approval of **Z-2098—MARK & LISA BECKER (R2 TO GB)** to the Tippecanoe County Commissioners.

5. **Z-2099—DANNY T. AKRIDGE & LINDA D. AKRIDGE (I3 TO R1):**  
 Petitioners are requesting rezoning of Lots 1 and 3, Alexander's Minor Subdivision, 2120 Beck Lane, and 2123 Old Romney Road, Lafayette, Fairfield 31 (NE) 23-4. CONTINUED FROM THE NOVEMBER MEETING. (FIRST CONTINUANCE.)

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey read staff comments, with recommendation for approval.

James Hawley presented slides of the zoning map, aerial photo and reiterated the recommendation for approval.

Paul Coutts, 1719 Monon Ave, Lafayette, IN, C & S Engineering, representing the petitioner, stated that the Akridges currently live on lot #1 and the subdivision proposal is to divide lot #3 into two lots. He said that the intention was to have a new lot for their son to build a single family home on.

The Commission voted by ballot 14 yes – 0 no to recommend approval of **Z-2099—DANNY T. AKRIDGE & LINDA D. AKRIDGE (I3 TO R1)** to the Lafayette City Council.

6. **Z-2101—FRED M. & ANDREA D. KUIPERS (A TO RE) (Meadowgate Estates):** Petitioners are requesting rezoning of 42.07 acres in order to permit a 12-lot rural estate subdivision located on the east side of CR 75 East, between Burnett's Creek and CR 500 N, Tippecanoe 28 (NW) 24-4 and 29 (NE) 24-4. *CONTINUED FROM THE NOVEMBER MEETING. (FIRST CONTINUANCE.)*

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey presented 4 out of 23 photographs that were taken of this site. She explained that the petitioner went with a staff member to the site because it is extremely difficult to access. She read staff comments, with recommendation for approval.

James Hawley presented slides of the zoning map, aerial photo, site plan and legal description. He stated that to classify some of this land as untillable is not accurate. He said that there is decent land that has been in a grass crop for the last three years.

Karl Rutherford asked for clarification that it meet the qualifications.

James Hawley stated yes.

Karl Rutherford asked if this has been in the government program such that it might be certified by the SCS.

James Hawley stated that they had not checked that. He said that it could be.

Paul Coutts, representing the petitioner, stated that the petitioner has owned and lived in a home one-quarter mile from this site since 1975. He said that the property in question was purchased by the petitioner in 1980 and not been used for agriculture production in the last 20-25 years. He mentioned that the adjacent land has had corn and soybean crops in the last year. He informed the Commission that it has been the petitioners' dream to establish a high quality estate lot development, including three ponds, many trees and plants.

Karl Rutherford stated that this is the exact example of what an RE was intended to be.

Mark Hermodson agreed with Karl Rutherford's statement and said he was grateful that there was a decent road that would be included.

The Commission voted by ballot 14 yes – 0 no to recommend approval of **Z-2101—FRED M. & ANDREA D. KUIPERS (A TO RE) (Meadowgate Estates)** to the Tippecanoe County Commissioners.

7. **Z-2103—TBIRD DESIGN SERVICES CORPORATION, BY DAVID AYALA (I3 TO R2):** Petitioner is requesting rezoning of a 0.44 acre 30' strip of land intended for proposed right-of-way, north of Lot 34, Daugherty Commerce Center, Lafayette, Wea 10 (NW) 22-4.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey read staff comments, with recommendation for approval.

James Hawley presented slides of the zoning map and aerial photo.

Dave Ayala, TBIRD Design Services, 4720 South 100 West, Lafayette, IN, stated that this petition was just to correct a piece of land that was missed on an earlier request. He said he was available to answer any questions.

Mark Hermodson asked if there was a way, to waive fees when they involve mistakes such as this.

James Hawley stated that they could have continued the original request, to allow time to amend the original petition.

Mark Hermodson asked if there was a way to waive fees if the mistake is not caught in time for a continuance.

James Hawley stated that was not in the Bylaws because Bylaws can only be amended at a meeting. He said that was the reason why some of the fees were in ordinances, so that the Plan Commission could not waive them. He reiterated that the mistake was caught early and the petitioner elected to proceed and come back for a clean up rezone.

The Commission voted by ballot 14 yes – 0 no to recommend approval of **Z-2103—TBIRD DESIGN SERVICES CORPORATION, BY DAVID AYALA (I3 TO R2)** to the Lafayette City Council.

8. **Z-2104—DAVE KISER (R2 TO NB):**  
Petitioner is requesting the rezoning of portions of three platted lots located at 1825 Main Street, directly opposite Thompson Street, in Lafayette, Fairfield 28 (NE) 23-4.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded the motion.

Sallie Fahey read staff comments, with recommendation for approval.

James Hawley presented slides of the zoning map, aerial photo and reiterated recommendation of approval.

Tom O'Brien, PO Box 5, Lafayette, IN, representing the petitioner, agreed with staff's report and asked for approval. He stated he was available to answer any questions.

Terry Flanagan, 1725 Shortridge Drive, Lafayette, IN, stated that the back of this house was directly in front of his house. He presented pictures of the area. He said that his main concern came from the Myotherapy business that already exists. He stated that there is between 10-12 cars parked on Shortridge Drive on any given day of the week. He mentioned that the homes on the east end of the street constantly are unable to park in front of their own homes. He reiterated that his main concern with this new business was additional parking on Shortridge Drive. He stated that this street was a nice residential area. He said that increased traffic causes safety issues for the children in the area. He mentioned that they hope to retire in this house and they have put a lot of money into improving this property. He stated that he has enough problems with Dollar General and the Myotherapy business and a new business will just make a bad situation worse. He stated that they would like to be able to park in front of their own house because there is limited access to the alley.

Jack Rhoda and Jan Mills asked for clarification on the pictures he presented.

Tom O'Brien responded that he did understand the parking issues Mr. Flanagan has on his street. He pointed out that the Lafayette City Engineer's Office has determined that the site complies with parking requirements for the medical use that it is. He stated that there were parking plans submitted and all the parking would be contained on the property, not off street. He said that there would be at least four spots including a handicapped accessible spot, which should alleviate any concern for the area residents.

Jack Rhoda asked for confirmation on how many spots would be provided on-site.

Tom O'Brien replied there would be four spots on-site.

Jack Rhoda asked how many customers he anticipated this business servicing.

Tom O'Brien responded that this could not be compared to a retail environment. He stated that customers would be by appointment only, to see the only doctor. He said that there should never be a great number of people in the waiting room.

Jack Rhoda asked how many employees would be working at this location.

Tom O'Brien stated two, just one receptionist would be scheduled, in addition to the doctor.

Steve Schreckengast mentioned that in the pictures presented by Mr. Flanagan, it appears that there is a fence that divides the petitioner's property from Shortridge Drive. He asked for clarification that if people parked on Shortridge they would have to cut through residents' yards and over a fence.

Tom O'Brien stated that was correct and pointed out that it is not practical to park on Shortridge.

Jack Rhoda asked if the petitioner's property faced Main Street and if the parking was off of the same.

Tom O'Brien responded affirmatively.

Dave Williams asked for clarification that Mr. Flanagan's concern was with the corner house.

Tom O'Brien said that he understood Mr. Flanagan's concern to be for the general area's parking congestion. He stated that this new business would not be contributing to the existing problem.

Dave Williams asked Mr. Flanagan if his concern was for the cars associated with the corner house.

Terry Flanagan replied yes. He said that the corner house was a Main Street address, however their mail, trash pick up and entrances are all on Shortridge Drive. He mentioned that the fence was only put up one year ago and was not sturdy therefore not a hindrance to people cutting through.

The Commission voted by ballot 14 yes – 0 no to recommend approval of **Z-2104—DAVE KISER (R2 TO NB)** to the Lafayette City Council.

## **B. SUBDIVISIONS**

1. **S-3233—SHORTER COMMERCIAL SUBDIVISION, REPLAT OF SECTION 2 (MAJOR-PRELIMINARY):** Petitioner is seeking primary approval for a 3-lot commercial subdivision replat on 3.75 acres. The site is located at the northwest corner of SR 38 and Yost Drive, in the Town of Dayton, Sheffield 5 (SE) 22-3. CONTINUED FROM THE NOVEMBER MEETING.

Jeff Kessler moved to hear and vote on the above-described request. Kathy Vernon seconded.

Stuart Boehning informed the Commission that he would have to remove himself from hearing this case.

Jack Rhoda asked to have the record show that Stuart Boehning removed himself from the room.

*Stuart Boehning left the room.*

Sallie Fahey stated the petitioner has requested permission to bond. She said staff recommends conditional primary approval subject to the following conditions:

**CONSTRUCTION PLANS** – The following items shall be part of the Construction Plans application and approval:



1. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

2. "No Vehicular Access" statement shall be platted along the SR 38 and Yost Drive right-of-way lines, as shown on the preliminary plat.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All required building setbacks should be platted.
5. The street addresses and County Auditor's Key Number shall be shown.

**SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:

6. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

James Hawley presented slides of the aerial photo and plat. He reiterated staff's recommendation for conditional primary approval.

Paul Coutts, representing the petitioner, stated that this process started a few months ago with plans for a Burger King to build in Dayton. He said that they have since dropped their plans, but the petitioner wanted to complete the process any way. He agreed with all of staff's conditions and asked for approval.

KD Benson asked where the entrances for these lots were.

Paul Coutts stated that there is a frontage road along the north side.

KD Benson asked if each lot would have a separate entrance along that road.

Paul Coutts responded affirmatively.

The Commission voted by ballot 13 yes – 0 no to grant conditional primary approval on **S-3233—SHORTER COMMERCIAL SUBDIVISION, REPLAT OF SECTION 2 (MAJOR-PRELIMINARY).**

The Commission voted by ballot 13 yes - 0 no to permit bonding.

*Stuart Boehning returned to the room.*

2. **S-3240—EAGLES NEST FARMS, PHASE 1, SECTIONS 1, 2, 3, 4, AND 5 (MAJOR-PRELIMINARY):** Petitioner is seeking primary approval for a 201-lot phase of the subject single-family subdivision on 61.656 acres. The site is located on the north side of SR 26, just west of Pine View Lane, in Perry 19 (SE) 23-3. CONTINUED FROM THE NOVEMBER MEETING.

Jeff Kessler moved to hear and vote on the above-described request. Kathy Vernon seconded.

Sallie Fahey stated the petitioner has requested permission to bond. She said staff recommends conditional primary approval subject to the following conditions:

1. In the construction plans and on the final plat, the stub street into the southwest boundary shall be revised to line up with the southern Old Barn Road centerline and the continuation of this street shown in the approved Faith Baptist Subdivision preliminary plat.

**CONSTRUCTION PLANS** – The following items shall be part of the Construction Plans application and approval:

2. The Lafayette City Engineer shall approve the sanitary sewer and water plans.
3. The fire hydrants shall be approved by the Sheffield Township Fire Department. Plans for the actual placement of the hydrants shall be approved by the City in cooperation with the Fire Department.
4. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
5. The County Drainage Board shall approve the drainage plans.
6. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

7. "No Vehicular Access" statements shall be platted along the SR 26 and Pine View Lane right-of-way lines.
8. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
9. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
10. All required building setbacks should be platted.
11. The street addresses and County Auditor's Key Number shall be shown.

**SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:

12. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
13. The purpose, ownership and maintenance of the outlots shall be specified.

Sallie Fahey read into record a letter from Robert Smaller, 21 Wildwood Drive, Lafayette, IN, dated August 11, 2002, in opposition. He asked the Commission to deny the request and stated that he was an immediate neighbor to the property. His letter listed his multiple concerns as: density of homes on small acreage; safety due to

inaccessibility of fire protection and equipment; traffic flow through Wildwood and Pineview Drives; elevation of land; drainage on the west side of land contaminating existing well and septic systems; economical repercussions of forcing existing residents to connect to public utilities; and existing residents not given ample information on the proposal. He stated that this development would devastate the existing quiet neighborhood. He mentioned that the developer has already cut down trees and forest growth that was not on his property. He asked the Commission stop developers from cramming single-family homes into small acreages and raping the land.

James Hawley stated that this petition has been in the works for a long time. He said that Mr. Smaller's letter, from August 2002, was written when a smaller piece of land was being considered and that the request was revised before making it to a public hearing. He pointed out that this is the first time this case is being heard at a public meeting. He presented slides of the zoning map, aerial photo and plat. He thanked Mr. Smith and Faith Baptist Church for cooperating and working on the road issue together. He reiterated staff's recommendation for conditional approval.

Jack Rhoda asked what the status was on the issue of septic and well that was mentioned in the letter.

James Hawley stated that the existing developments were built several decades ago with septic and wells. He pointed out that the new development would have sanitary sewer and city water and will not pollute nor contribute to the existing problem.

Jack Rhoda mentioned that part of the ordinance speaks to the issue of a petition adversely affecting the health of the community.

James Hawley stated that would not apply to this petition because this will not affect or contribute to an already existing problem.

Max Layden, 712 Bank One Building, Lafayette, IN, representing the petitioner, informed the Commission that the original plans included an exit on to SR 26 that was a potential safety hazard. He said that with James Hawley's help and a lot of persuasion, the developers have completely eliminated that exit. He mentioned that the new entrance/exit to SR 26 would be through a subdivision proposal by Faith Baptist Church and the State has agreed to build it. He pointed out that most of the concerns listed in the letter are moot due to the passage of time and many amendments. He stated that at the time the letter was written, the proposal was for 101 lots, now it is 202 lots; the access has completely changed therefore not affecting his neighborhood; and drainage is not an issue because this is will be on a sewer system.

Victor Barlow, 300 Wildwood Drive, Lafayette, IN, stated that he was the president of the Wildwood-Pineview Homeowners Association. He asked that when the conditions are applied to the stub street and lots 132-139 if they would still conform to the rules and guidelines of the subdivision ordinance.

James Hawley stated that all the lots will comply with the zoning ordinance and the streets will all comply with the subdivision ordinance. He mentioned that Faith Baptist

Church has amended its petition to match this request.

Victor Barlow thanked the developers for working together and stated that the homeowners association was behind this project.

The Commission voted by ballot 14 yes – 0 no to grant conditional primary approval on **S-3240—EAGLES NEST FARMS, PHASE 1, SECTIONS 1, 2, 3, 4, AND 5 (MAJOR-PRELIMINARY).**

The Commission voted by ballot 14 yes - 0 no to permit bonding.

3. **S-3256—CARR SUBDIVISION (MINOR-SKETCH):** Petitioner is seeking primary approval for a 1-lot subdivision on 2.0 acres, located on the north side of CR 100 N, opposite the CR 850 E intersection, in Perry 15 (SE) 23-3.

Jeff Kessler moved to hear and vote on the above-described requests. Kathy Vernon seconded.

Sallie Fahey read the staff report with recommendation of conditional primary approval subject to:

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the existing entrance, a "No Vehicular Access" statement shall be platted along the CR 100 N right-of-way line as shown on the sketch plan.
2. All required building setbacks should be platted.
3. A mortgage affidavit, which states that there is no mortgage on the property, must be signed, and filed.
4. The street address and County Auditor's Key Number shall be shown.

**SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:

5. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

James Hawley presented slides of the zoning map, aerial photo and reiterated recommendation of conditional primary approval.

Bob Gross, 420 Columbia Street, Suite 100 Lafayette, IN, representing the petitioner stated the petitioner was recovering from surgery and could not make it. He stated that the petitioner has owned and live on this land since 1972 and this request is part of his estate planning.

The Commission voted by ballot 14 yes – 0 no to grant conditional primary approval on **S-3256—CARR SUBDIVISION (MINOR-SKETCH).**

*Dave Williams, Steve Schreckengast and John Knochel left the meeting.*

## **V. ADMINISTRATIVE MATTERS**

James Hawley stated that KD Benson asked if a 1-lot minor subdivision would have the same fees attached as other subdivisions and if that would discourage someone from subdividing. He pointed out that if someone pays the \$200 fee with the result being a \$20,000 lot, that is minimal in the grand scheme. He stated that every action taken on a property positively creates a property value that exceeds between 10-100 times the fee that they paid. He stated that some properties are valued by its zoning and location. He gave the example of a rezone that was approved by the Commission, which made it worth \$1 million an acre, and the fee paid was \$100.

## **VI. APPROVAL OF THE DECEMBER 2002 EXECUTIVE COMMITTEE AGENDA**

Jeff Kessler moved that the following subdivision petition be placed on the January 2, 2003 Area Plan Commission Executive Committee Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

### **S-3257—TERRY MINOR SUBDIVISION (MINOR-SKETCH)**

Kathy Vernon seconded and motion was carried by voice vote.

## **VII. DIRECTOR'S REPORT**

## **VIII. CITIZENS' COMMENTS AND GRIEVANCES**

## **IX. ADJOURNMENT**

Jeff Kessler moved that the meeting be adjourned. Kathy Vernon seconded and the motion carried by voice vote.

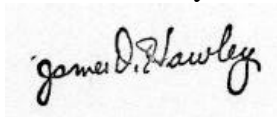
The meeting was adjourned at 9:45 P.M.

Respectfully submitted,



Michelle D'Andrea  
Recording Secretary

Reviewed by,



James D. Hawley, AICP  
Executive Director

